

### REMARKS

Claims 2, 3, 5, 7-24 and 36 are active in this application. Support for the amendment to Claim 2 is found in Claim 25 and the specification as originally filed. Claim 36 is supported by Claim 14. No new matter is added.

With respect to non-elected claims 12-24, Applicants request that the Office rejoin those claims with the elected, allowable Claims 2, 3, 5 and 7-11 in accordance with MPEP § 821.04.

The rejection of Claims 2, 3 and 7-11 under 35 U.S.C. § 103(a) St-Onge et al and Bergemann et al in view of Zhang and Nakamura et al is traversed. The combination of cited references neither describes or suggests the polynucleotide comprising SEQ ID NO:1 and an inducible promoter as claimed. Therefore, withdrawal of this rejection is requested.

The rejection of Claims 5,6 and 8-11 under 35 U.S.C. § 112, second paragraph is addressed by amendment.

Applicants submit that the present application is now ready for allowance. Early notification of such allowance is kindly requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



**22850**

Tel.: (703) 413-3000  
Fax: (703) 413-2220